

II. Election Requirement

Under PCT Rules 13.1 and 13.2, the Examiner has required Applicants to elect a disclosed species of tacky polymer and a disclosed species of fixing polymer for prosecution on the merits. (Office Action dated November 6, 2001, pages 3-4.) Applicants respectfully traverse this election of species requirement. To be fully responsive, however, Applicants, with traverse, elect branched sulfonic polyester polymer for the species of tacky polymer. Applicants also enclose herewith information about Applicants' branched sulfonic polyester polymer, for example, AQ 1350. Applicants further elect, with traverse, octylacrylamide/acrylate/butylaminoethyl/methacrylate copolymer for the species of fixing polymer. The elected tacky polymer reads on claims 38-58, 60, 69, 78-106 and the elected fixing polymer reads on claims 38-79, 83, 84, and 88-106.

Applicants traverse this requirement on the ground that it would not be unduly burdensome for the Examiner to conduct a search for all the claimed compounds, as it is likely that art encompassing the elected species would also encompass the other claimed species. Applicants do not make any statement regarding the obviousness of one species relative to any other, nor should one be inferred. Applicants merely assert that a search of all the claimed species would not be unduly burdensome.

Accordingly, Applicants respectfully request that all of the claimed species be examined in this application. If the Examiner chooses to maintain the election requirement, Applicants expect the Examiner, if the elected species is found allowable, to continue to examine the full scope of the elected subject matter to the extent necessary to determine the patentability thereof, and then to extend the search to a

reasonable number of the non-elected species, as is the Examiner's duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121. In any case, the election of species requirement should be withdrawn in view of the foregoing remarks.

III. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: May 6, 2002

Attachments: Eastman AQ 1350 information

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